

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRANDON WEIG,

Plaintiff,

v.

9:20-CV-0587
(BKS/ATB)

CLINTON CORRECTIONAL FACILITY, et al.,

Defendants.

APPEARANCES:

BRANDON WEIG

Plaintiff, Pro Se

15-B-3375

Clinton Correctional Facility

P.O. Box 2000

Dannemora, NY 12929

BRENDA K. SANNES

United States District Judge

DECISION and ORDER

Plaintiff Brandon Weig commenced this action by filing a pro se complaint for relief pursuant to 42 U.S.C. § 1983 together with an application to proceed in forma pauperis. Dkt. No. 1 ("Compl."); Dkt. No. 2 ("IFP Application"). Presently before the Court is a letter from plaintiff in which he states that he "no longer wants to pursue" this action because "[e]verything has been settled and there was no case of discrimination [sic]." Dkt. No. 4.

The Court construes plaintiff's letter request as a motion to voluntarily dismiss this action pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Rule 41(a) provides, in relevant part, that a "plaintiff may dismiss an action without a court order by filing

. . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Since defendants have not answered or moved for summary judgment, plaintiff is entitled to voluntary dismissal of this action without prejudice, without further order of the court, upon the filing of such a notice.¹

In light of the foregoing, upon the filing of plaintiff's notice requesting to withdraw this action, this action was dismissed, without prejudice, and an order of the court was not required in order to implement that dismissal.

WHEREFORE, it is hereby

ORDERED that in accordance with plaintiff's notice (Dkt. No. 4) to voluntarily dismiss this action, the Clerk of the Court shall close this case and reflect that the action is voluntarily dismissed without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure; and it is further

ORDERED that the Clerk of the Court shall serve plaintiff with a copy of this Decision and Order, along with a copy of the other filings in this case (Dkt. Nos. 1, 2, and 3).

IT IS SO ORDERED.

Dated: June 2, 2020
Syracuse, NY


Brenda K. Sannes
U.S. District Judge

¹ Indeed, the Court has yet to even address the sufficiency of plaintiff's IFP Application or complete an initial review of the complaint in accordance with 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A.